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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,206	09/28/2000	Danny Raz	5	8786
22046	7590	06/04/2004	EXAMINER	
LUCENT TECHNOLOGIES INC. DOCKET ADMINISTRATOR 101 CRAWFORDS CORNER ROAD - ROOM 3J-219 HOLMDEL, NJ 07733			YUSSUF, SAJID	
		ART UNIT		PAPER NUMBER
		2141		
DATE MAILED: 06/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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P24

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/672,206	RAZ, DANNY
	Examiner Sajid A Yussuf	Art Unit 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 September 2000 and 16 March 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 September 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 228 September 2000.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. ***Claim(s) 1-9 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Poletto et al. (US Patent Application Publication No. 2002/0031134 and Poletto hereinafter).***

4. As per claim(s) 1 Poletto discloses controlling a network switch to divert a predetermined fraction of SYN packets destined for said server, to a web guard processor, (See Paragraph 0004-0008) establishing a first TCP connection between one or more clients originating said packets and said web guard processor, and a second TCP connection between said web guard processor and said server, so that packets can be transmitted between said one or more clients and said server, (See Paragraph 0060-0062) monitoring the number of timed-out connections between said web guard processor and said one or more clients, (See Paragraph 0062-0063) if the number of timed-out connections between said web guard processor and said one or more clients exceeds a first predetermined threshold, controlling said switch to divert all SYN packets destined, to said server to said web guard processor, (See Paragraph 0063-0072).

5. As per claim(s) 2 Poletto teaches the claimed invention as described in claim(s) 1 above and furthermore discloses generating an alarm indicating that said server is likely to be under attack, (See Paragraph 0055-0058).
6. As per claim(s) 3 Poletto teaches the claimed invention as described in claim(s) 1-2 above and furthermore discloses determining if the number of timed-out connections between said web guard processor and said clients exceeds a second predetermined threshold, and if so, controlling said switch to delete (i.e., reset) all SYN packets destined for said server, (See Paragraph 0060-0072).
7. As per claim(s) 4 Poletto teaches the claimed invention as described in claim(s) 1-3 above and furthermore discloses the step of generating an alarm indicating that said server is under attack, (See Paragraph 0055-0058).
8. As per claim(s) 5 Poletto teaches the claimed invention as described in claim(s) 1-4 above and furthermore discloses notifying said server that it is under attack, (See Paragraph 0038).
9. As per claim(s) 6 Poletto teaches the claimed invention as described in claim(s) 1-5 above and furthermore discloses notifying other web guard processors in said network that said server is under attack, (See Paragraph 0037-0040).
10. As per claim(s) 7 Poletto discloses arranging a switch receiving said SYN packets destined to said server to forward said SYN packets to a TCP proxy arranged to operate without an associated cache, whereby said TCP proxy, when subject to a CSDOS attack, does not successfully establish a TCP connection with said malicious host, and no TCP connection is made from said TCP proxy to said server, thereby protecting said server from said attack, (See Paragraph 0048-0055).

11. As per claim(s) 8 Poletto discloses forwarding a statistical sampling of packets from a switch in said network to a processor, if packets in said sampling indicate an attack, alerting the operation of said switch to reduce the effects of said attack, (See Paragraph 0042-0048).

12. As per claim(s) 9 Poletto teaches the claimed invention as described in claim(s) 8 above and furthermore discloses said switch is arranged to discard packets in the event an attack is detected, (See Paragraph 0060-0062).

**Conclusion**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajid A Yussuf whose telephone number is (703) 305-8752. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM and Alternate Fridays.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajid Yussuf  
Patent Examiner  
Technology center 2100  
26 May 2004



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER